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MAILED
APR 14 2010
OFFICE OF PETITIONS

In re Patent No. 7,595,312 : DECISION ON
Rudolf et al. : APPLICATION FOR
Issue Date: 09/29/2009 : PATENT TERM ADJUSTMENT
Application No. 10/687262 : and
Filing or 371(c) Date: 10/16/2003 : NOTICE OF INTENT TO ISSUE
Attorney Docket No. : CERTIFICAEC OF CORRECTION
01-1402

This is a decision on the petition filed on November 24, 2009, which is being treated as a petition under 37 CFR 1.705(d), requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by six hundred thirty-five (635) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by six hundred thirty-five (635) days is **GRANTED to the extent indicated herein**.

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on October 17, 2006 and ends on April 28, 2008, the day before the RCE was filed, and is 560 (not 561) days. See, 35 U.S.C. 154(b)(1)(B)(i). As such, the patent term adjustment is 634 not 635 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **six hundred thirty-four (634) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,595,312 B2

DATED : September 29, 2009

INVENTOR(S) : Rudolf et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 203 days.

Delete the phrase "by 203 days" and insert -- by 634 days--